

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH DIVISION

R. CATHY REARDON,

On behalf of herself and all similarly situated individuals)	
.)	NO.: 2:08-cv 1730GLL
Plaintiffs,)	Hon. Judge Gary Lancaster
v.)	
CLOSETMAID CORPORATION And EMERSON ELECTRIC CO.,)	Class Action
Defendants.)	Electronically Filed

STIPULATION AND NOTICE OF DISMISSAL AS TO EMERSON ELECTRIC CO.

The Parties, by their undersigned counsel, hereby stipulate as follows pursuant to Fed. R. Civ. P. 41(a)(1)(ii):

1. The Plaintiff, R. Cathy Reardon has asserted claims against both ClosetMaid Corp. and Emerson Electric Co. arising under the Fair Credit Reporting Act in a First Amended Class Action Complaint:
2. Emerson Electric Co. denies all allegations of wrongful conduct as asserted in the Complaint, denies any liability in the Action, and denies that Plaintiff is entitled to any relief;
3. On September 9, 2009, the Court established a briefing schedule on a motion for summary judgment to determine whether the Plaintiff has standing to sue Emerson;
4. The Parties have further conferred on this matter and, as a result, Plaintiff, hereby agrees to voluntarily dismiss without prejudice the above-referenced claims against Emerson Electric Co., and its affiliated entities, other than ClosetMaid Corp.; and

5. Each party shall bear its own costs and attorneys' fees with respect to the issue of Emerson, and its affiliates other than ClosetMaid Corp., as a proper party to this actions.

Dated: October 6, 2009

/s/ James M. Pietz
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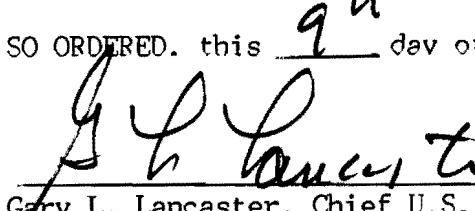
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Attorneys for Defendant

SO ORDERED. this 9th day of October 2009


Gary L. Lancaster, Chief U.S. District Judge